

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6833

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RALPH RAMEY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, District Judge. (CR-92-140; CA-02-866-2; CA-02-883)

Submitted: October 31, 2003

Decided: March 16, 2004

Before WILKINSON, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Ralph Ramey, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Ralph Ramey seeks to appeal the district court's order denying relief on his motions filed under 28 U.S.C. § 2255 (2000) and 18 U.S.C. § 3582(c) (2000). With respect to the denial of relief on his § 2255 motion, the order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336, (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Ramey has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal as to the denial of relief on Ramey's § 2255 motion.

We have also reviewed the record with respect to the denial of Ramey's motion for modification of sentence under 18 U.S.C. § 3582(c) and have found no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Ramey, Nos. CR-92-140; CA-02-866-2; CA-02-883 (S.D.W.

Va., May 6, 2003). We deny Ramey's motion to expedite, and we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART; AFFIRMED IN PART